# UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CORPORATION A &C COAL	)
CORPORATION, A&G COAL CORPORATION, TAMS MANAGEMENT, INC., DYNAMIC ENERGY, INC., KENTUCKY FUEL CORPORATION, INC., and NINE MILE MINING, INC.,	) ) ) Civil Case No. 7:17CV365 )
Plaintiffs,	)
<b>v.</b>	)
BANK OF NORTH CAROLINA and PINNACLE BANK,	) ) )
Defendants.	) )

## DEFENDANTS' UNOPPOSED MOTION TO CONSOLIDATE

Pursuant to Federal Rule of Civil Procedure 42(a), Defendants move to consolidate this action into a related interpleader action filed in this Court, captioned *Pinnacle Bank v. Bluestone Energy Sales Corp. et al*, No. 7:17-cv-00395-GEC (the "Interpleader Action"). In the Interpleader Action, Pinnacle Bank asks the Court to determine the rights to the same funds at issue in the instant action. Plaintiffs seeks substantially the same relief in this action. Defendants have consulted with Plaintiffs, and Plaintiffs do not oppose this motion. Further grounds for this motion are set forth in Defendants' accompanying memorandum of law.

Dated: August 22, 2017

# Respectfully Submitted,

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and service will be sent via electronic means by the Court's NEF system as well as via email to the following:

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